

HB0855



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0855

Introduced 2/2/2005, by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-109

from Ch. 108 1/2, par. 3-109

Amends the Downstate Police Article of the Illinois Pension Code. Makes a technical change in a Section concerning persons who are excluded from participation in a fund created under the Article.

LRB094 07324 AMC 37482 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 3-109 as follows:

6 (40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)

7 Sec. 3-109. Persons excluded.

8 (a) The ~~The~~ following persons shall not be eligible to
9 participate in a fund created under this Article:

10 (1) part-time police officers, special police
11 officers, night watchmen, temporary employees, traffic
12 guards or so-called auxiliary police officers specially
13 appointed to aid or direct traffic at or near schools or
14 public functions, or to aid in civil defense, municipal
15 parking lot attendants, clerks or other civilian employees
16 of a police department who perform clerical duties
17 exclusively;

18 (2) any police officer who fails to pay the
19 contributions required under Section 3-125.1, computed (i)
20 for funds established prior to August 5, 1963, from the
21 date the municipality established the fund or the date of a
22 police officer's first appointment (including an
23 appointment on probation), whichever is later, or (ii) for
24 funds established after August 5, 1963, from the date, as
25 determined from the statistics or census provided in
26 Section 3-103, the municipality became subject to this
27 Article by attaining the minimum population or by
28 referendum, or the date of a police officer's first
29 appointment (including an appointment on probation),
30 whichever is later, and continuing during his or her entire
31 service as a police officer; and

32 (3) any person who has elected under Section 3-109.1 to

1 participate in the Illinois Municipal Retirement Fund
2 rather than in a fund established under this Article,
3 without regard to whether the person continues to be
4 employed as chief of police or is employed in some other
5 rank or capacity within the police department, unless the
6 person has lawfully rescinded that election.

7 (b) A police officer who is reappointed shall, before being
8 declared eligible to participate in the pension fund, repay to
9 the fund as required by Section 3-124 any refund received
10 thereunder.

11 (c) Any person otherwise qualified to participate who was
12 excluded from participation by reason of the age restriction
13 removed by Public Act 79-1165 may elect to participate by
14 making a written application to the Board before January 1,
15 1990. Persons so electing shall begin participation on the
16 first day of the month following the date of application. Such
17 persons may also elect to establish creditable service for
18 periods of employment as a police officer during which they did
19 not participate by paying into the police pension fund, before
20 January 1, 1990, the amount that the person would have
21 contributed had deductions from salary been made for such
22 purpose at the time such service was rendered, together with
23 interest thereon at 6% per annum from the time such service was
24 rendered until the date the payment is made.

25 (d) A person otherwise qualified to participate who was
26 excluded from participation by reason of the fitness
27 requirement removed by this amendatory Act of 1995 may elect to
28 participate by making a written application to the Board before
29 July 1, 1996. Persons so electing shall begin participation on
30 the first day of the month following the month in which the
31 application is received by the Board. These persons may also
32 elect to establish creditable service for periods of employment
33 as a police officer during which they did not participate by
34 paying into the police pension fund, before January 1, 1997,
35 the amount that the person would have contributed had
36 deductions from salary been made for this purpose at the time

1 the service was rendered, together with interest thereon at 6%
2 per annum, compounded annually, from the time the service was
3 rendered until the date of payment.

4 (Source: P.A. 89-52, eff. 6-30-95; 90-460, eff. 8-17-97.)